IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 991 OF 2006

Babu Marappa Shetpanji & Ors. ....Applicants.

V/s

State of Maharashtra
Through P.I.
Khadki Police Station, Pune. ....Respondent.

Mr. Rajendra Thombre h/f Mr. Uday Warunjikar for the applicants.

Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th March, 2006

P.C.:

1. Heard the learned for the applicants and the learned APP for the State.

2. This is an application for relaxation of the condition imposed by the 2nd Additional Sessions Judge, Pune directing the applicant to furnish two local sureties in the sum of Rs 15000/- each. It is submitted that it is not possible for the applicants to furnish surety in the amount of Rs 15000/- each. It is submitted that the condition of furnishing surety in the amount of Rs 15000/- each is excessive and practically amounts to denying the bail to the applicants.

3. The learned APP, on the other hand, submits that the applicants are permanent residents of Karnataka and if they are released on bail, they are likely to abscond. It is not possible to accept the submission of the learned APP appearing on behalf of the State. From the cause title of the application, it can be seen that the applicants are labourers and the offence which is registered against them is under section 379 read with section 34 of the Indian Penal Code. Though the trial court had granted bail to them they could not avail of the said bail on account of their inability to provide surety in the amount of Rs 15000/- each.

4. In the result, the said condition is modified and the applicants are directed to be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. One surety shall be a local surety. The applicants shall report to Khadki Police Station twice in a month.

5. Application is accordingly disposed of.

V.M. KANADE, J.